

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

GPB RESTAURANT ENTERPRISES CORP.,
a Corporation d.b.a. SEVEN SEAS RESTAURANT; and
DEMETRIOS TSOLIS, Individually and
as President; and
PETER TSOLIS, Individually and
as Vice President;

Defendants

: Civil Action File

: No.

: COMPLAINT

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 18 2013 ★

LONG ISLAND OFFICE

CV-13 6405

Plaintiff THOMAS E. PEREZ, Secretary of Labor, United States Department of Labor,
brings this action under Sections 16(c) and 17 of the Fair Labor Standards Act of 1938, as
amended, (29 U.S.C. §201, et seq.), ("the Act"), alleging that defendants violated sections 6, 7,
11(c), 15(a)(2) and 15(a)(5) of the Act.

I

Jurisdiction of this action is conferred upon the Court by Sections 636 and 637 of the
Act.

WEXLER, J.

II

BROWN, M. J.

Defendant GPB RESTAURANT ENTERPRISES CORP. is a corporation duly organized
under the laws of New York having its principal office and place of business at 607 Northern
Boulevard, Great Neck, NY 11021, within the jurisdiction of this court, where defendants are
engaged in the restaurant business.

III

Defendant corporation regulates the employment of all persons they employ, acts directly and indirectly in the corporation's interest in relation to the employees, and thus is an employer of the employees within the meaning of section 3(d) of the Act.

IV

Defendant DEMETRIOS TSOLIS, who is the president of GPK RESTAURANT ENTERPRISES CORP., in active control and management of defendant corporation, regulates the employment of persons employed by defendant corporation, acts directly and indirectly in the interest of defendant corporation in relation to the employees, and is thus an employer of the employees within the meaning of section 3(d) of the Act.

V

Defendant PETER TSOLIS, who is the vice president of GPK RESTAURANT ENTERPRISES CORP., in active control and management of defendant corporation, regulates the employment of persons employed by defendant corporation, acts directly and indirectly in the interest of defendant corporation in relation to the employees, and is thus an employer of the employees within the meaning of section 3(d) of the Act.

VI

The business activities of the defendants, as described, are related and performed through unified operation or common control for a common business purpose and constitute an enterprise within the meaning of section 3(r) of the act.

VII

Defendants employ employees at their place of business in the activities of an enterprise engaged in commerce or in the production of goods for commerce, including employees

handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce. The enterprise has had an annual gross volume of sales made or business done in an amount not less than \$500,000.00. Therefore, the employees are employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of section 3(s)(1)(A) of the Act.

VIII

Defendants in many workweeks have willfully and repeatedly violated the provisions of sections 6 and 15(a)(2) of the Act by employing employees at a rate less than those which are applicable under Section 6 of the Act. Therefore, defendants are liable for unpaid minimum wage compensation and an amount of liquidated damages pursuant to section 16(c) of the Act.

IX

Defendants in many workweeks have willfully and repeatedly violated the provisions of sections 7 and 15(a)(2) of the Act by employing many of their employees for workweeks longer than those prescribed in section 7 of the Act without compensating the employees for their employment in excess of the prescribed hours at rates not less than one and one-half times the regular rates at which they were employed. Therefore, defendants are liable for unpaid overtime compensation and an amount of liquidated damages pursuant to section 16(c) of the Act.

X

Defendants in many workweeks have willfully and repeatedly violated the provisions of sections 11(c) and 15(a)(5) of the Act, in that defendants failed to make, keep, and preserve adequate and accurate records of their employees and of the wages, hours, and other conditions of employment which they maintained as prescribed by the Regulations issued and found at 29

CFR Part 516; more specifically, the records kept by the defendants failed to show adequately and accurately, among other things, the hours worked each workday, the total hours worked each workweek, and/or the total straight-time earnings for each workweek, with respect to many of their employees.

XI

Defendants since August 18, 2010 have willfully and repeatedly violated the provisions of the Act as alleged above.

WHEREFORE, cause having been shown, plaintiff prays for judgment against defendants providing the following relief:

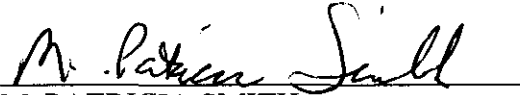
(1) For an injunction issued pursuant to Section 17 of the Act permanently restraining defendants, their officers, agents, employees, and those persons in active concert or participation with defendants, from violating the provisions of sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Act; and

(2) For an injunction issued pursuant to Section 17 of the Act restraining defendants, their officers, agents, employees, and those persons in active concert or participation with defendants, from withholding the amount of unpaid minimum wage and overtime compensation found due defendants' employees and prejudgment interest on the unpaid minimum wage and overtime compensation; and

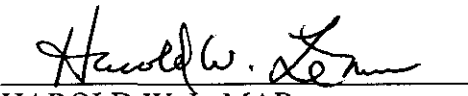
(3) For an Order pursuant to section 16(c) of the Act finding defendants liable for an amount of liquidated damages equal in amount to the unpaid compensation found due defendants' employees listed on the attached Exhibit A and

(4) For an order granting such other and further relief as may be necessary and appropriate.

DATED: November 14, 2013
New York, New York


M. PATRICIA SMITH
Solicitor of Labor


PATRICIA M. RODENHAUSEN
Regional Solicitor


HAROLD W. LeMAR
Senior Trial Attorney

U.S. Department of Labor,
Attorneys for Plaintiff.

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EXHIBIT A**GPK RESTAURANT ENTERPRISES CORP.
d.b.a. SEVEN SEAS RESTAURANT**

<u>First Name</u>	<u>Last Name</u>
BENJAMIN	AMAYA
GEORGIOS	ANTONIOU
JAVIER	ARAVELO
GEORGE	BARTZIS
RUBEN	BIORATA
TONY CANDIDO	CAMPOS
JOHN	DIMITROU
BENEDICTO	DOE
GIOVANNI ANGEL	DOE
JAVIER	DOE
JOSE DAGOBERTO	DOE
JUAN FELIX	DOE
LUIS ALBERTO	DOE
MIGEL	DOE
OSCAR	DOE
SANTOS	DOE
MANUEL	GALVAN
JOSE	GARCIA
MARCO	GONZALEZ
JOSE	HEREDIA
WALTER	HEREDIA

EXHIBIT A

EXHIBIT A

**GPK RESTAURANT ENTERPRISES CORP.
d.b.a. SEVEN SEAS RESTAURANT**

<u>First Name</u>	<u>Last Name</u>
EVAGELOS ANGELO	KAPETANIOS
GAZMIR 'ALBANIA'	KERCUKI
JUAN SALVADOR	LEON
STYLIANOS	LOPARNOS
LAZARO	LUCERO
JUAN	NOVOA
WILLIAM	ORNELAS
MARTIN	RIVAS
NICOLAS	RIVERA
JOSE BERMUDEZ	RODRIGUEZ
JOSE	RODRIGUEZ RIVERA
ANDRES	RUIZ
CARLOS ROMERO	SALGADO
FELIPE	SANCHEZ
ORLANDO	SANTOS
GEORGIOS	THOMOPOULOS
JAIME	VANEGAS
GONZALO	VASQUEZ
RAUL	VASQUEZ
ESTEBAN	VENTURA
LUIS	VENTURA
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EXHIBIT A